

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

R. WAYNE JOHNSON, No. C 08-04319 CW (PR)
Plaintiff, ORDER OF TRANSFER
v.
WILLIAM B. TURNER, et al.,
Defendants.

Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983 and an application for in forma pauperis status.

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. See 28 U.S.C. § 1391(b).

The acts complained of occurred at Harris County, which is located in the Houston Division of the Southern District of Texas. Venue, therefore, properly lies in that district and not in this one. See id.

1 Accordingly, in the interest of justice and pursuant to 28
2 U.S.C. § 1406(a), this action is TRANSFERRED to the Houston
3 Division of United States District Court for the Southern District
4 of Texas. The Clerk of the Court shall transfer the case
5 forthwith.

6 Plaintiff's application for in forma pauperis status is
7 TERMINATED on this Court's docket as no longer pending in this
8 district.

9 IT IS SO ORDERED.

10 Dated: 11/24/08



11 CLAUDIA WILKEN
12 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

R. WAYNE JOHNSON,
Plaintiff,

Case Number: CV08-04319 CW

CERTIFICATE OF SERVICE

v.

WILLIAM B. TURNER et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

R. Wayne Johnson 282756
9601 Spur 591-Clements
Amarillo, TX 79107-9606

Dated: November 24, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California